

Remarks

Claims 1-25 are presently pending in the application. All claims are amended.

The title has been changed from the one that appeared in the publication of this application to the one that was submitted on the Inventors' Declaration; no title appeared on the first page of the specification as filed, so the new title is an addition. The specification has been amended to add section headings in response to the Examiner's objection to the omission of headings. A priority claim has been added based on the priority claim in the Inventors' Declaration. An Abstract has been provided, similar to the one the Patent and Trademark Office provided, but with revisions made to eliminate reference numerals, to conform to wording in the specification, and to comply with the word count limit. A clean copy of the Abstract is attached on a separate page in the Appendix to this response. No new matter is added.

All claims have been amended to remove reference numerals, to make minor editorial changes, and to overcome the Examiner's claim rejections under 35 U.S.C. § 112 as discussed below. Claim 1 has been reformatted. Claim 1 has also been amended to recite a force dissipating mechanism for dissipating the clamping or spreading forces, to provide clarity in subsequent claims that refer to this mechanism, which have been likewise amended.

Claims 4-25 have been amended to remove multiple dependencies, to which the Examiner objected, thereby overcoming the objection.

Claim Rejections – 35 USC § 112

The Examiner rejected claims 1-3 based on the included term "and/or" being vague, indefinite, and awkwardly and confusingly worded. All uses of "and/or" have been amended to read "or" only. Applicants respectfully request that the rejection be withdrawn.

Claim Rejections – 35 USC § 102

The Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,474,632 to Liou. In the rejection the Examiner asserts that Liou discloses the claimed invention, specifically a clamping and spreading tool having a stationary jaw (6), and movable jaw (61), a gear mechanism (12), and a pull rod (2).

Claim 1 as amended reads:

A clamping or spreading tool, comprising:

a push or pull rod to which a movable jaw is fixed;

a stationary jaw;

a gear mechanism by which the movable jaw is movable towards or away from the stationary jaw by displacement of the push or pull rod in a clamping or spreading direction and by which clamping or spreading forces are applied between the jaws;

a lock that blocks displacement of the push or pull rod in an opening direction opposite to the clamping or spreading direction so as to maintain the clamping or spreading forces generated between the jaws; and

a force dissipating mechanism for dissipating the clamping or spreading forces stored that allows absorption displacement of the push or pull rod in the opening direction along a predetermined absorption path and blocks absorption of the push or pull rod in the opening direction beyond the predetermined absorption path upon release of the lock.

It is respectfully submitted the Examiner did not identify a lock in Liou, nor is there a force dissipating mechanism for dissipating the clamping or spreading forces taught or suggested in Liou. To anticipate a claim the reference must teach every element of the claim. *See* MPEP §2131. Based on the structural deficiency of Liou, namely at minimum the lack of a force dissipating mechanism in Liou, Liou does not anticipate the current application, and the Applicant respectfully solicits reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection.

Claims 2-25 all depend directly or indirectly from claim 1, and accordingly include all of the elements of claim 1 as amended. Therefore, because claim 1 is allowable, claims 2-25 are allowable as well. In addition, claims 2-25 include elements and combinations thereof not taught or suggested in Liou.

Conclusion

In summary, it is submitted that all claims are allowable and that the application is in a condition for allowance.

If the Examiner has any questions about the present Amendment a telephone interview is requested. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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(Applicant)

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Enclosure: Appendix with Abstract